SS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

the civil docket sheet. (SEE	INSTRUCTIONS ON THE REVERSE OF THE FORM.)					
I. (a) PLAINTIFFS		DEFENDANTS				
MARC A. KOPPLE		AR RESOURCE	AR RESOURCES, INC., DOES 1 THROUGH 10			
(b) County of Residence of First Listed Plaintiff Philadelphia, PA (EXCEPT IN U.S. PLAINTIFF CASES)		NOTE: IN LANI	County of Residence of First Listed Defendant Montgomery County, (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.			
(a) Attomovila (Fig. 2)	Address of February No. 1. N	Attorneys (If Known)				
* * * * * * * * * * * * * * * * * * * *	ne, Address, and Telephone Number) C 1051 County Line Road, Suite "A"	Attorneys (II known)				
	. 19006 (215) 364-5030					
II. BASIS OF JURIS			RINCIPAL PARTIES(Place an "X"			
☐ 1 U.S. Government Plaintiff	☑ 3 Federal Question (U.S. Government Not a Party)		and One Bo TF DEF 1 □ 1 Incorporated or Principal Place of Business In This State	ox for Defendant) PTF DEF		
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	2	0 5 0 5		
		Citizen or Subject of a Foreign Country	3 🗇 3 Foreign Nation	0 6 0 6		
IV. NATURE OF SU	IT (Place an "X" in One Box Only)	Foreign Country				
CONTRACT				IER STATUTES		
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpaymen & Enforcement of Judgmer □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excl. Veterans) □ 153 Recovery of Overpaymen of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property	stander 330 Federal Employers' Liability Liability Liability S45 Marine Product Liability 345 Morine Product Liability 350 Motor Vehicle Product Liability 350 Other Personal Property Damage Product Liability 380 Other Personal Product Liability Injury 360 Other Personal Product Liability Product Liability S460 Other Personal Product Liability Product Liability	620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other 1710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 791 Charles Labor Litigation 791 Empl. Ret. Inc. Security Act 1462 Naturalization Application 463 Habeas Corpus -	423 Withdrawal	aks and Banking nmerce cortation cketeer Influenced and rupt Organizations summer Credit ole/Sat TV sective Service urities/Commodities/ hange tomer Challenge JSC 3410 er Statutory Actions icultural Acts nomic Stabilization Act vironmental Matters rgy Allocation Act edom of Information		
□ 2 I	ION Cite the U.S. Civil Statute under which you a 15 U.S.C. \$\$ 1692 et seq.	Reopened another specific refiling (Do not cite jurisdictions	ferred from 6 Multidistrict 7 7 fy) al statutes unless diversity): CHECK YES only if demanded	Magistrate Judgment		
COMPLAINT:	UNDER F.R.C.P. 23		JURY DEMAND: Ø Ye	•		
VIII. RELATED CA	SE(S) (See instructions): JUDGE		DOCKET NUMBER			
DATE	SIGNATURE OF AT	TORNEY OF RECORD				
10/27/14 FOR OFFICE USE ONLY		7	· · · · · · · · · · · · · · · · · · ·			
	AMOUNT APPLYING IFP	JUDGE	MAG. JUDGE			

Case 2:14-cv-06118-PD Document 1 Filed 10/27/14 Page 2 of 14

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: c/o Kalikhman & Rayz, LLC 1051 County Line	Road, Suite "A" Huntingdon Valley, PA 19006			
Address of Defendant: P.O. Box 1056 Blue Bell, PA 19422				
Place of Accident, Incident or Transaction: Philadelphia County (Use Reverse Side For	Additional Space			
Does this civil action involve a nongovernmental corporate party with any parent corporation (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a				
Does this case involve multidistrict litigation possibilities?	Yes□ No.			
RELATED CASE, IF ANY: Case Number: Judge	Date Terminated:			
Civil cases are deemed related when yes is answered to any of the following questions:				
1. Is this case related to property included in an earlier numbered suit pending or within one	year previously terminated action in this court? Yes \square No \square			
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior action in this court?				
	Yes□ No□			
3. Does this case involve the validity or infringement of a patent already in suit or any earlier	·			
terminated action in this court?	$_{ m Yes}\square$ $_{ m No}\square$			
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rig	hts case filed by the same individual? $_{\rm Yes}\square \qquad _{\rm No}\square$			
CIVIL: (Place ✓ in ONE CATEGORY ONLY)				
A. Federal Question Cases: 1. □ Indemnity Contract, Marine Contract, and All Other Contracts	B. Diversity Jurisdiction Cases:1. □ Insurance Contract and Other Contracts			
2. □ FELA	2. □ Airplane Personal Injury			
3. □ Jones Act-Personal Injury	3. □ Assault, Defamation			
4. □ Antitrust	4. □ Marine Personal Injury			
5. □ Patent	5. □ Motor Vehicle Personal Injury			
6. □ Labor-Management Relations	6. □ Other Personal Injury (Please			
	specify)			
7. □ Civil Rights	7. □ Products Liability			
8. □ Habeas Corpus	8. □ Products Liability — Asbestos			
9. □ Securities Act(s) Cases	9. □ All other Diversity Cases			
10. □ Social Security Review Cases	(Please specify)			
11. ☑ All other Federal Question Cases (Please specify) 15 U.S.C. § 1692 et seq.				
ARBITRATION CER (Check Appropriate Counsel of record do hereby cer	Category)			
I, <u>Eric Rayz</u> , <u>Esq.</u> , counsel of record do hereby cer Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge an \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought.				
DATE: _10/27/14	87976			
Attorney-at-Law NOTE: A trial de novo will be a trial by Jury only if the	Attorney I.D.# here has been compliance with F.R.C.P. 38.			
I certify that, to my knowledge, the within case is not related to any case now pending o except as noted above.	or within one year previously terminated action in this court			
Le ,				
DATE: 10/27/14	87976			
Attorney-at-Law	Attorney I.D.#			

CIV. 609 (6/08)

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

Telephone	FAX Number	E-Mail Address			
(215) 364-5030	(215) 364-5029	erayz@kalraylaw.com		-	
Date	Attorney-at-law	Attorney for			
10/27/14	ty	Plaintiff		_	
(f) Standard Management – (Cases that do not fall into a	my one of the other tracks.	()	
		cial or intense management by	(x)	
(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.					
(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.					
(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits.					
(a) Habeas Corpus – Cases b	rought under 28 U.S.C. § 2	2241 through § 2255.	(·)	
SELECT ONE OF THE FO	LLOWING CASE MANA	AGEMENT TRACKS:			
plaintiff shall complete a Cas filing the complaint and serve side of this form.) In the ex designation, that defendant sh	e Management Track Desi a copy on all defendants. (yent that a defendant does hall, with its first appearance ties, a Case Management T	y Reduction Plan of this court, counse gnation Form in all civil cases at the tin See § 1:03 of the plan set forth on the re not agree with the plaintiff regarding see, submit to the clerk of court and ser rack Designation Form specifying the gned.	me o vers saive o	of e d n	
AR RESOURCES, INC., et al.	: :	NO.			
v.	; ;				

(Civ. 660) 10/02

KOPPLE

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARC A. KOPPLE individually, and on behalf of all others similarly situated

Class Action Complaint

Plaintiff(s)

v.

Civil Action No.

AR RESOURCES, INC.; and DOES 1 through 10, inclusive,

Jury Trial Demanded

Defendant(s)

Plaintiff Marc A. Kopple ("Plaintiff") on behalf of himself individually, and on behalf of all others similarly situated, alleges as follows:

I. <u>INTRODUCTION</u>

- 1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. § 1692 et seq.
- 2. In effectuating the FDCPA, Congress sought to limit the tactics a debt collector could use. Despite these plain truths, Defendant (defined herein) used inappropriate tactics to collect Plaintiff's debt.
- 3. Upon information and belief, Defendant used these very same tactics across the country against hundreds, if not thousands, of individuals who, fall within the ambit of the protections of the FDCPA.
 - 4. Absent this action, Defendant's inappropriate tactics would continue unabated.

II. THE PARTIES

5. Plaintiff is an adult individual citizen of the Commonwealth of Pennsylvania.

Plaintiff resides in Philadelphia County.

- 6. Plaintiff is a "consumer," as that term is defined and/or contemplated within the scope of FDCPA.
- 7. Defendant AR RESOURCES, INC. (hereinafter "Defendant") is a business entity that regularly conducts business in the Eastern District of Pennsylvania, and is engaged in the business of debt collection within the Commonwealth of Pennsylvania.
- 8. Indeed, on its own website, http://www.arresourcesinc.com/, Defendant describes itself as follows:



See http://www.arresourcesinc.com/, last visited on October 24, 2014.

- 9. Upon information and belief, Defendant is organized under the laws of the Commonwealth of Pennsylvania and maintains its principal place of business address at P.O. Box 1056 Blue Bell, PA 19422.
- 10. Plaintiff is unaware of the names and capacities of those defendants sued as DOES 1 through 10, but will seek leave to amend this complaint once their identities become

known to Plaintiff. Upon information and belief, Plaintiff alleges that at all relevant times each defendant, including the DOE defendants 1 through 10, was the officer, director, employee, agent, representative, alter ego, or co-conspirator of each of the other defendants, and in engaging in the conduct alleged herein was in the course and scope of and in furtherance of such relationship.

- 11. Unless otherwise specified, Plaintiff will refer to all defendants collectively as "Defendant" and each allegation pertains to each Defendant.
- 12. Defendant is a "debt collector," as that term is defined and/or contemplated within the scope of FDCPA, and operates its debt collection enterprise from the same address.
- 13. Defendant uses instrumentalities of interstate commerce and mail in a business, whose principal purpose is collection of debts and/or regularly collects (or attempts to collect), directly or indirectly, debts owed or due or asserted to be owed or due another.
- 14. At all times material hereto, Defendant acted and/or failed to act in person and/or through duly authorized agents, servants, workmen, and/or employees, acting within the scope and course of their authority and/or employment for and/or on behalf of Defendant.

III. JURISDICTION AND VENUE

- 15. This Honorable Court has jurisdiction pursuant to 15 U.S.C. § 1692k and 28 U.S.C. § 1337.
- 16. The Eastern District of Pennsylvania is the proper venue for this litigation, because:
 - a. Plaintiff is a resident of the Eastern District of Pennsylvania and Defendant's wrongful conduct was directed to and was undertaken within the territory of the Eastern District of Pennsylvania; and

Defendant conducts a substantial portion of its business in the Eastern
 District of Pennsylvania.

IV. STATEMENT OF CLAIMS

A. BACKGROUND

- 17. In November of 2013, Defendant sent Plaintiff a letter, dated November 4, 2013, regarding Plaintiff's alleged debt of \$412.00. A true and correct copy of the letter is marked and attached hereto as Exhibit "A."
- 18. The debt at issue was incurred during the course of Plaintiff's personal medical treatment at Holy Redeemer Hospital.
- 19. The letter is a pre-printed form, designated by the sequence "BD6192-022-1791" that appears directly above Plaintiff's name in the bottom third of the document. Exhibit "A."
- 20. The letter was sent in a "glassine window" envelope and the sequence "BD6192-022-1791" was clearly visible through this window. Exhibit "A."
- 21. As disclosed in the letter itself, the sequence "BD6192" is the account number Defendant assigned to Plaintiff, which is used to identify Plaintiff in connection with Defendant's collection efforts. Exhibit "A."
- 22. Defendant disclosed Plaintiff's account number on the face of the envelopes Defendant used for letters sent to Plaintiff.
- 23. Section 1692f of the FDCPA provides that "[a] debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt." 15 U.S.C. § 1692f.
- 24. Section 1692(f)(8) specifically prohibits "[u]sing any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer."
 - 25. The disclosure of Plaintiff's account number on the face of the envelope violated

Section 1692(f)(8). See Douglass, et al. v. Convergent Outsourcing, ____ F.3d ____, 2014 WL 4235570 (3rd Cir., August 28, 2014).

- 26. As described herein, Defendant's actions violated the applicable provisions of the FDCPA.
- 27. Defendant's conduct, as alleged herein, is (and was) deliberate, intentional, reckless, willful, and wanton.
- 28. Defendant's conduct, as alleged herein, is unfair, misleading, deceptive, and unconscionable.
- 29. Plaintiff and the Classes he seeks to represent have been (and will continue to be) harmed due to Defendant's conduct, as set forth herein.
- 30. Plaintiff and the Classes he seeks to represent have suffered and will continue to suffer damages due to Defendants' conduct, as set forth herein.

CLASS ACTION ALLEGATIONS

- 31. Plaintiff brings this action on behalf of himself and two classes of similarly-situated individuals pursuant to Fed.R.Civ.P. 23.
- 32. Plaintiff also brings this action as a nationwide class action for Defendant's violations of the FDCPA on behalf of the following class of individuals: all natural persons in the United States, who were sent a letter from Defendant with an account number visible on the face of the envelope, during the statutory period covered by this Complaint (the "FDCPA Class").
- 33. The number of individuals in the FDCPA Class is so numerous that joinder of all members is impracticable. The exact number of members of in the Class can be determined by reviewing Defendant's records. Plaintiff is informed and believes and thereon alleges that there are over a hundred individuals in each of the defined Class.

- 34. Plaintiff will fairly and adequately protect the interests of the Class, and has retained counsel that is experienced and competent in class action and employment litigation. Plaintiff has no interests that are contrary to, or in conflict with, members of the Class.
- 35. A class action suit, such as the instant one, is superior to other available means for fair and efficient adjudication of this lawsuit. The damages suffered by individual members of the Class may be relatively small when compared to the expense and burden of litigation, making it virtually impossible for members of the Class to individually seek redress for the wrongs done to them.
- 36. A class action is, therefore, superior to other available methods for the fair and efficient adjudication of the controversy. Further, absent these actions, members of the Class likely will not obtain redress of their injuries, and Defendant will retain the proceeds of their violations of the FDCPA. In addition, Defendant is likely to continue to violate this statute.
- 37. Furthermore, even if any member of the Class could afford individual litigation against Defendant, it would be unduly burdensome to the judicial system. Concentrating this litigation in one forum will promote judicial economy and parity among the claims of individual members of the Class and provide for judicial consistency.
- 38. There is a well-defined community of interest in the questions of law and fact affecting the Class as a whole. The questions of law and fact common to the Class predominate over any questions affecting solely individual members of the action. Among the common questions of law and fact are:
 - a. Whether Defendant disclosed debtor's account numbers on the face of the mailing envelope;
 - b. Whether Defendant violated 15 U.S.C. § 1692f; and

- c. Whether Plaintiff and the members of the Class have sustained damages and, if so, the proper measure of damages.
- 39. Plaintiff's claims are typical of the claims of members of the Class. Plaintiff and members of the Class have sustained damages arising out the same wrongful and uniform practices of Defendant.
- 40. Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its continued maintenance.

COUNT I FDCPA

- 41. Plaintiff hereby incorporates all facts and allegations of this document by reference, as if fully set forth at length herein.
 - 42. Defendant is a "debt collector" as that term is defined under the FDCPA.
- 43. An attempt to collect upon a debt incurred during the course of personal medical treatment falls within the scope of the FDCPA. See Adams v. Law Offices of Stuckert & Yates, 926 F.Supp 521 (E.D.Pa. 1996); see also Pipiles v. Credit Bureau, Inc., 886 F.2d 22 (2nd Cir. 1989).
- 44. As described herein, the actions of the Defendant violates the applicable provisions of the FDCPA.
- 45. Defendant's violations with respect to its collection efforts, include but are not limited to, the following:
 - a. Using unfair or unconscionable means to collect or attempt to collect any debt, in violation of 15 U.S.C. § 1692f; and
 - b. Using language or symbols, other than the debt collector's address, on envelopes when communicating with a consumer, in violation of 15

U.S.C. § 1692f(8).

46. As result of Defendant's violations of the FDCPA, Plaintiff and the members of the FDCPA Class have suffered damages in an amount to be determined at trial.

V. <u>CLAIM FOR RELIEF</u>

WHEREFORE, Plaintiff respectfully prays for:

- (a) A Declaration that Defendant has violated the applicable provisions of the FDCPA;
- (b) An Order designating this action as a class action pursuant to Fed.R.Civ.P. 23;
 - (c) An Order appointing Plaintiff and his counsel to represent the Class(es);
- (d) An Order enjoining Defendant from any further violations of the FDCPA;
 - (e) Actual damages;
 - (f) Statutory damages;
 - (g) Attorneys' fees and costs; and
 - (h) Such other relief as the Honorable Court shall deem just and appropriate.

VI. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

(SIGNATURES ON THE NEXT PAGE)

Date: October 27, 2014

Respectfully submitted,

KALIKHMAN & RAYZ, LLC

Arkady "Eric" Rayz Demetri A. Braynin

1051 County Line Road, Suite "A"

Huntingdon Valley, PA 19006

Telephone: (215) 364-5030 Facsimile: (215) 364-5029 E-mail: erayz@kalraylaw.com E-mail: dbraynin@kalraylaw.com

CONNOLLY WELLS & GRAY, LLP

Gerald D. Wells, III Robert J. Gray

2200 Renaissance Blvd., Suite 308

King of Prussia, PA 19406 Telephone: (610) 822-3700 Facsimile: (610) 822-3800 Email: gwells@cwg-law.com Email: rgray@cwg-law.com

Counsel for Plaintiff(s) and the Proposed

Class(es)

EXHIBIT "A"

Case 2:14-cv-06118 PDOcument 1 Filed 10/27/14 Page 14 of 14 Resources, Inc.

PO Box 1056 • Blue Bell, PA 19422 (866) 301-0222

Nov 4, 2013

MARC A KOPPLE

Creditor HOLY REDEEMER HOSPITAL Account #

Regarding

Amt Owed

HOLY REDEEMER HOS 412.00

Please be advised, our client, HOLY REDEEMER HOSPITAL PHYS., ECW, has referred your account to us for liquidation. This communication is from a debt collector and is an attempt to collect a debt.

To avoid further collection activity, please remit payment in full of \$412.00 directly to:

AR Resources, Inc. PO Box 1056 Blue Bell PA 19422-0287

If you would like to pay by phone, please notify us at (866) 301-0222. You may also visit us at WWW.ARRESOURCESINC.COM to make a payment online. Your pin number is . Please reference our account on all correspondence.

If you wish to pay by credit card, complete the credit card information below, tear off and return in the enclosed envelope. A \$5.00 convenience fee should be added to all transactions. No fees applied to mailed checks or money orders. If you carry any insurance that may cover this obligation, please contact our office at the toll free number above.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request from this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. This communication is from a debt collector.

*** Please detach below and return in the enclosed envelope with your payment ***

PO Box 505 Linden MI 48451-0505

ADDRESS SERVICE REQUESTED

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW. DISCOVER CARD NUMBER EXP. DATE CARD HOLDER NAME CVV SIGNATURE AMOUNT PAID

Re: HOLY REDEEMER HOSPITAL Account Number:

Total Due: \$412.00

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MARC A KOPPLE



հավկեստեսեսեւեն կանվեր և հետևել և հանդել և հայել և AR Resources, Inc. PO Box 1056 Blue Bell PA 19422-0287

